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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,323	07/31/2000	James F. Allsup	7554	4709

1688 7590 11/03/2004

POLSTER, LIEDER, WOODRUFF & LUCCHESI  
12412 POWERSCOURT DRIVE SUITE 200  
ST. LOUIS, MO 63131-3615

EXAMINER
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KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/629,323

**Applicant(s)**ALLSUP, JAMES F. **Examiner**

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,8,11-13,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,11-13,15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/9/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1, 5, 8, 11-13, 15 and 17-20 are presented for examination. After careful consideration of Applicant's amendments and arguments the Examiner withdraws the grounds of rejection of claims 1, 2, 5, 8, 11-13, 15, and 17-20 based on 35 USC 103. New grounds of rejection are established in the instant office action as set forth in detail below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 5, 8, 11-13, 15, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

3. In light of Applicant's amendment to claims 1, 8, 12, and 17, the Examiner withdraws the grounds of rejection based on 35 USC 101.

4. The Examiner acknowledges the Applicant's response to the Rule 105 request for information. The Examiner notes that Applicant submitted a declaration in response to the request for information.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 8, 11-12, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable Social Security Disability Consultants (SSDC) (29 October 1993) in view of "Allsup Inc.'s Overpayment Recovery Service"(hereinafter Allsup) and Richman et al., Pat. No. 6,635,582 (hereinafter Richman).

As per claims 1, 8, 11-12, and 17-19, SSDC teaches a method of obtaining Social Security disability insurance benefits (SSDI) from the Social Security Administration (SSA) for a disabled individual, recovering overpaid benefits, and providing services after award comprising:

- a) determining if the disabled individual qualifies (SSDC; pg. 2, col. 3, line 9).
- b) filing a claim with the SSA for SSDI on behalf of the individual (SSDC; pg., 2, col. 2, line 11-12).
- c) obtaining an award of SSDI for the individual as a result of filing (SSDC; pg. 2, col. 1, lines 10-14).
- d) recovering disability benefits previously provided to the disabled person (SSDC; pg. 2, col. 2, lines 27-28).

SSDC does not explicitly disclose

recovering a predetermined amount of long-term disability benefits previously provided to the disabled person by a third party after award of SSDI by SSA and the disabled individual's receipt of SSDI payments.

However, Allsup discloses recovering a predetermined amount of long-term disability benefits previously provided to the disabled person by a third party after award of SSDI by SSA and the disabled individual's receipt of SSDI payments (i.e. we'll

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monitor your claim until retroactive benefits are awarded and ensure you understand your overpayment obligation ...). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include recovering a predetermined amount of long-term disability benefits previously provided to the disabled person by a third party after award of SSDI by SSA and the disabled individual's receipt of SSDI payments as disclosed by Allsup within SSDC for the motivation of assisting the individual to settle the overpayment burden without the burdensome paperwork (see Allsup, page 1).

SSDC and Allsup do not explicitly disclose

obtaining from the disabled individual pre-authorization for direct electronic recovery of the overpaid benefits from a deposit account.

However, Richman discloses obtaining from the individual pre-authorization for direct recovery of obligations from a deposit account after direct deposit of awards (i.e. funds, money) into the deposit account (col. 3, lines 13-54). Although Richman is not directed to awards of SSDI, the same method steps for direct recovery of obligations from a deposit account are disclosed by Richman. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include obtaining from the individual pre-authorization for disbursement of funds from a direct deposit account at the time of deposit of awards as disclosed by Richman within the overpayment recovery methods of SSDC and Allsup for the motivation of electronically and automatically implementing carrying out aspect of the financial program including electronically

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transferring funds into and out of a individual deposit account of a program participant (col. 2, lines 30-35).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over SS CD, Allsup and Richman as applied to claim 12 above, and further in view of Examiner's use of official notice.

As per claim 13, SS DC, Allsup and Richman teach the overpayment recovery as rejected in claim 12. However, SS DC does not expressly disclose the deducting of applicable fees from the overpayment. The Examiner takes official notice it was well known in the electronic service arts to deduct fees for services. For example, a coin counting machine takes in all the monies and provides a check for the total minus the counting fee, a credit card companies send the merchant the retail cost of the goods minus the service charge. Therefore, it would have been obvious to deduct the applicable fees from the recovery amount with the motivation of obtaining payment for services rendered and maintaining profitability.

8. Claim 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over SS CD, Allsup, and Richman as applied to claims 1 and 12 above, and further in view of Examiner's use of Official Notice.

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As per claims 5 and 15, SS CD, Allsup and Richman do not explicitly disclose Providing ancillary financial services after determining if the disabled qualifies to receive SSDI by extending funds to the claimant for use by the claimant before there is an award of SSDI for the disabled individual.

However, the Examiner takes official notice that it was well known in the electronic service arts to extend loans to individuals based on projected awards to the individual. For example, companies specializing in income tax returns such as H&R Block routinely provide short term loans to customers based on the projected Tax refund calculated by H&R Block when filling out tax returns. The loan is processed prior to the customer receiving the tax refund. The motivation would have been to provide a service to the customer while generating additional income to the service provider. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include Providing ancillary financial services after determining if the disabled qualifies to receive SSDI by extending funds to the claimant for use by the claimant before there is an award of SSDI for the disabled individual within SS CD, Allsup, and Pollin for the motivation stated above.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Social Security Disability Consultants (SSDC) (29 October 1993), Allsup and Richman and in further view of Pritchard. (4,491,725).

As per claims 20, SSDC, Allsup and Richman teach a post-disability products and services as disclosed for claim 1 above. However SSDC, Allsup and Pollin do not expressly teach computer software that gathers, integrates and utilized data from a plurality of unrelated federal forms to populate databases. Pritchard teaches software that gathers, integrates and utilized data from a plurality of unrelated forms to populate databases (Pritchard; col. 1, lines 59-66, col. 7, lines 40-46, and col. 3, lines 30-40). It would be obvious to none of ordinary skill in the art at the time of the invention to add the computer software gathering and integrating feature of Pritchard with the Disability recovery method of SSDC, Allsup and Richman with the motivation suggested by Pritchard of making information regarding services available (Pritchard; col. 1, line 51-53).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").



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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read 'Alexander Kalinowski', written in a cursive style.

Alexander Kalinowski

Primary Examiner

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11/01/04